

TOWN COUNCIL MEETING

March 18, 2008

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:01 pm. Councilors O'Grady, Jahnz, Macksoud, and Flynn were present. Councilor McKenna was excused due to illness.

2. Minutes

Voted 4-0 to approve the minutes from February 14, 2008, (KM – JJ).

4. Application for Class F License

a. Voted 4-0 to grant a Class F License to the Church of St. Basil the Great for an event on April 12, 2008, (KM – JF).

b. Voted 4-0 to grant a Class F License to the Church of St. Basil the Great for an event on May 3, 2008, (KM – JJ).

c. Voted 3-0 to grant a Class F License to the State Ballet of Rhode Island for an event on May 29, 2008, (JF – JJ). Councilor Macksoud recused himself.

5. Application for Victualling License

a. Voted 4-0 to grant a renewal of the Victualling license for Pal's Ice Cream, (JF – KM).

6. Application for Special Event License

**a. Voted 4-0 to grant three Special Events Licenses to Twin River for the following events, subject to police restrictions (KM – JJ):
Championship Boxing on April 4, 2008, Concert by Collective Soul on April 12, 2008, NWA Wrestling Showcase on April 18, 2008.**

TOWN COUNCIL

Call to Order 7:07 p.m.

Communications

1. Town Administrator, T. Joseph Almond

Administrator Almond read his communication to the Council which announced that he would be appointing Deputy Chief Brian Sullivan to serve as the Chief of Police. Council members all congratulated Deputy Chief Sullivan and fully supported this appointment.

Presentation from and discussion with the Honorable Charles A. Lombardi, Mayor of North Providence, regarding Camp Meehan

Mayor Charles Lombardi addressed the Council and asked for their support in preserving the Camp Meehan site as open space. The Mayor is taking steps to secure the property for the Town by eminent domain. He is asking for support from the Lincoln Town Council in the form of a Resolution.

Consent Agenda

The Council voted 4-0 to accept the consent agenda as amended, (JJ – JF). Voted to amend the consent agenda by adding the communication from the Town of Warren, (KM – JJ). Voted to amend the consent agenda by adding the amounts of the bills, (KM – JJ). The consent agenda consists of the following items:

Minutes

- 1. February 5 – Public Safety Committee**
- 2. February 5 – Special Meeting**
- 3. February 14 – Purchasing Committee**
- 4. February 14 – Ordinance committee**
- 5. February 14 – Claims Committee**
- 6. February 14 – Regular Meeting**

Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$34,573.36**
- 2. Accounts Payable – Town: \$179,614.50**
- 3. Direct Pay – Town: \$1,902,377.26**

Claims for Referral to Committee

- a. Benita V. Kuykendall**
- b. Robert E. Bibby**

Communications

- 2. State Mandated Financial Reports**
 - a. School**
 - b. Water Department**
- 3. Attorney Richard Tallo**

- 4. Patrick Crowley**
- 5. Michael Napolitano**
- 6. Jocelyn Bushey**
- 7. Town of Portsmouth**
- 8. RI DEM**
- 9. Town of Burrillville**
- 10. Lincoln Police Department**
- 11. Town of Warren**

Reports

- 1. Town Administrator**

Tax Abatements

- a. \$2,234.57**

Public Comment

Paul Therault: Mr. Therault informed the Council of an issue with continuing water problems in his home. He lives on East Butterfly Way and is not satisfied with the response he has received to this ongoing problem. Council President O'Grady assured him an investigation will be done and they will find a solution.

Judy Hadley: Mrs. Hadley asked if the Council could hold off on her request as the Administrator will be addressing these issues at their next Land Trust meeting.

Jim Spooner: Mr. Spooner once again addressed the traffic issues on Lonsdale/Main Street and his efforts to have his taxes reduced.

Edward Slattery: Mr. Slattery agrees there are traffic problems on Lonsdale/Main. He does not wish to see expanded hours at Twin

River, as the voters said no to this. Mr. Slattery would like to see FTM held on Saturday. He is glad to see that the Town is looking to build a new Senior Center.

Michael Napolitano: Mr. Napolitano, Chair of the Lincoln Republican Town Committee asked if more Republicans could be appointed to the boards in Town. He would also like to see a Saturday FTM.

The Council voted 4-0 to move the order of the agenda and consider Ordinance 07-19, (KM – JJ).

Ordinance 07-19: Amendment to the Town of Lincoln Zoning Ordinance

Public hearing

Solicitor DeSisto explained that this amendment was needed to correct an error in the last zoning amendment.

Councilman Macksoud stated that the ordinance committee reviewed this ordinance and the committee is recommending approval.

Al Ranaldi stated the Planning Board is also recommending approval. The public hearing was opened. No members of the public spoke in favor or in opposition.

The public hearing was closed.

The Council voted 4-0 on roll call to approve the passage of Ordinance 07-19, (KM – JJ).

Ordinance 07-19

An Amendment to the Town of Lincoln Zoning Ordinance Chapter 260:9

The Town Council of the Town of Lincoln hereby ordains that the Code of Ordinances, Town of Lincoln, Rhode Island, is hereby amended

- §260-9: Residential Uses RA RS RL RG BL ML MG CR1 CR2 VCMU**
- §260-9A: Single-family detached P P P P S N N S** N P**
- §260-9B: Two-family N N S P N N N N N P**
- §260-9C: Multi-family, 3 or more units N N N S N N N N N S**
- §260-9D: Bed and Breakfast S S N N N N N N N S**
- §260-9E: Temporary lodging, 6 to 25 rooms N N N N S S S N N N**
- §260-9F: Temporary lodging, 26 or more rooms N N N N S S S N N N**
- §260-9G: Mobile Homes N N N N N N N N N N**
- §260-9H: Community residence P P P P P N N N N P**
- §260-9I: Nursing home, convalescent home N N N S S N N N N N**
- §260-9J: Family day-care home P P P P P N N N N P**
- §260-9K: Customary home occupation P P P P S N N N N P**
- §260-9L: Accessory family dwelling unit S** S** S** S** S** N N N N S****
- §260-9M: Senior residential community N N N S** S** N N N N N**

§260-9N: Mixed Use N N N S S N N N S

260-9: Residential Uses

A. One dwelling unit or household unit as defined in this chapter. There shall be no more than one main residential building on any one lot.

(1) ** A special use permit for this use in a CR-1 Zone shall be constrained so that development of the site for residential use is limited to RA-40 dimensional requirements.

B. Two dwelling units or household units as defined in this chapter, including semi-detached structures. There shall be no more than one main residential building on any one lot.

C. Three or more dwelling units or household units.

D. A facility offering temporary lodging and breakfast. The facility shall not have more than five units for temporary lodging. Cooking on premises is allowed for guests only, not open to general public.

E. Includes hotels, motels, and bed and breakfasts with more than five units but less than 26 units. Cooking on premises is allowed for guests only, not open to general public.

F. Includes hotels and motels. Cooking on premises is allowed for guests only, not open to public.

G. The use or storage of one or more residential mobile homes, mobile home parks, and trailer parks. In the case of fire or other acts of God resulting in severe damage to a building, a mobile home may be used as temporary housing while necessary repairs are conducted to make the damaged structure usable, and in no case shall the

mobile home remain on site for more than one year. This does not exclude a property owner, in a residential district, from storing one recreational camper/mobile home as long as it is not used for living/sleeping space.

USE: The primary use on the lot.

§260-22: Residential Districts

District Use Area Width Front Rear Side Cover Height

RA-40 Single-family 40,000 150 40 75 35 15% 35

Other use 40,000 150 40 75 35 15% 35

RS-20 Single-family 20,000 120 30 50 25 20% 35

Other use 20,000 120 30 50 25 20% 35

RS-12 Single-family 12,000 100 25 45 20+ (a) 20% 35

Other use 12,000 100 25 45 20+ (a) 20% 35

RL-9 Single-family 9,000 75 25 40 15+ (b) 25% 35

Two-family 12,000 100 25 40 15+ (b) 25% 35

***Affordable Two-family 10,500 75 25 40 15+(b) 25% 35**

Other use 9,000 100 25 40 15+ (b) 25% 35

RG-7 Single-family 7,000 60 20 35 10+ (c) 25% 35

Two-family 8,500 70 20 35 10+(c) 25% 35

Multi-family 7,000+(d) 60+(e) 20 35 10+(c) 25% 45

***Affordable two-family 7000 60 20 35 10+(c) 25% 35**

***Affordable three family 8,500 70 20 35 10+ (c) 25% 45**

Other use 7,000 60 20 35 35 25% 35

Legend:

- (a) Plus five feet for every 10 feet of building height over 25 feet.**
- (b) Plus four feet for every 10 feet of building height over 25 feet.**
- (c) Plus three feet for every 10 feet of building height over 25 feet.**
- (d) Square feet plus 1,500 square feet for each family unit over one.**
- (e) Plus 10 feet for each family unit over one.**

***To qualify for an Affordable Housing Density Bonus, a minimum of one unit must be classified as an affordable housing unit.**

This Ordinance shall take effect upon passage.

The Council voted 4-0 to amend the agenda and consider the request for Road Abandonment, (JJ – KM).

Request for Road Abandonment from Lincoln Housing Authority – Public Hearing

Brian LaPlante, attorney for the Lincoln Housing Authority, addressed the Council and explained that this abandonment is necessary to clear up what should have been done when the property was initially purchased. There are paper streets that run under the Lincoln Housing Authority buildings that are still on the Town maps.

The public hearing was opened.

Jim Spooner was opposed to this request. He feels there should be a plan in place first.

Vern Rainville was also opposed. He is an abutter to this property. He spoke of water problems on his property that are from the LHA property. He is worried that any changes made to the site will bring more water onto his property and perhaps into his home.

Solicitor DeSisto feels this issue should be cleared up and suggested this be continued for one month.

Russ Sundland also spoke in opposition as he agrees there is a drainage issue.

The Council voted 4-0 to continue this hearing for one month, (JF – KM).

Appointments

1. Sewer Appeals - District 1

Voted 4-0 to defer, (KM – JJ).

2. Conservation Commission – District 4

Voted 4-0 to defer, (JJ – KM).

3. Juvenile Hearing Board – Alternate

Voted 4-0 to appoint Rene Godin as an alternate to the Juvenile Hearing Board, (JJ – KM).

4. Juvenile Hearing Board – Alternate

Voted 4-0 to appoint Mary Ann Shallcross-Smith as an alternate to the Juvenile Hearing Board, (JJ – JF).

5. Juvenile Hearing Board

Motion made by councilor Macksoud to appoint Rene Godin failed with no second.

Voted 3-1 with Councilor Macksoud opposed to appoint Richard

Weibe as a full member to the Juvenile Hearing Board, (JJ – JF).

6. Planning Board – District 1

Voted 4-0 to defer, (KM – JJ).

7. Tenant Board – District 2

Voted 4-0 to appoint Deborah Ambeault, (JF – JJ).

8. Board of Canvassers

Voted 4-0 to appoint Louis DeSimone, (JJ – JF).

9. Board of Canvassers

Voted 3-0 to appoint John Lucas, (JF – JJ). Councilor Macksoud abstained.

10. Twin River Advisory Board

Voted 4-0 to ratify the appointment of Brian Hunter by town Administrator Almond, 9KM – JJ).

11. Lonsdale Redevelopment Agency

Voted 4-0 to defer, (KM – JJ).

The Council voted 4-0 to change the order of the agenda and consider Resolution 08-07, (JF – KM).

Resolution 08-07: House Finance Committee hearing

Voted 4-0 to refer this Resolution to the Ordinance Committee, (JJ – JF).

Unfinished Business

1. Claims Committee Report

a. none

2. Ordinance Committee Report

Ordinances – vote on Ordinances for consideration and/or passage

b. Resolution 08-03: Cancellation of Certain Taxes

Voted 4-0 to approve, (KM – JF).

Resolution 08-03

RESOLUTION

AUTHORIZING THE CANCELLATION OF CERTAIN TAXES

WHEREAS, the Town Finance Director recommends that the said taxes be cancelled in conformity with R.I.G.L. Section 44-7-14 Cancellation of Taxes in the amount as respectively set forth in the attached report.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LINCOLN, RI AS FOLLOWS:

Section 1: That the said above described report be incorporated in and attached to this resolution and that the said report be made a part hereof;

Section 2: That the Town Council hereby orders that said taxes be cancelled and/or refunded,

Section 3. That the Town Clerk of the Town Council shall, upon passage of this resolution, forthwith certify to the Town Treasurer and Tax Collector that the taxes specified and itemized in said report have been cancelled and abated in the amounts set forth in the report; and that the Finance Director of the Town of Lincoln is hereby authorized, on the passage of this resolution, to make refunds in the amount or amounts as set forth in this report.

Section 4. This resolution shall take affect upon passage.

**Acct. #01-02949-00, Albion Mills Co., Plat 35 Lot 135.0 \$267.17
1996 - \$86.94 1997 - \$86.94 1998 - \$93.29**

Reason – Alienation of Lien, Property taken by State of RI by eminent domain in 1999

c. Resolution 08-05: Habitat for Humanity

Voted 4-0 to approve as amended, (KM – JJ).

Resolution 08-05

R E S O L U T I O N

WHEREAS, On January 14, 1980 the Town of Lincoln was granted a certain parcel of land currently identified as Lot92 on AP9. This conveyance was granted without restriction or limitation of use.

WHEREAS, On February 19, 1980 the Town Council made Resolution accepting the aforementioned parcel of land consistent with the absence of restriction or limitation.

WHEREAS, On January 29, 2008 the Town of Lincoln received a request from Habitat for Humanity, Northern Rhode Island, Inc. requesting conveyance of the aforementioned parcel of land to construct an affordable house.

WHEREAS, Conveyance of this parcel of land will provide an opportunity for the Town of Lincoln to support Habitat for Humanity's efforts in the responsible construction of affordable housing in the Town of Lincoln.

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Lincoln hereby grants conveyance of Lot92 on AP9 to Habitat for Humanity, West Bay and Northern Rhode Island, Inc.

RESOLVED, Further that, this parcel of land is to be conveyed with the restriction that Habitat for Humanity construct an affordable home on the parcel of land within thirty six months of receipt of title to AP9 Lot 92. In the event Habitat for Humanity fails to construct an affordable home within thirty six months of conveyance of said parcel, the Town of Lincoln may exercise its right under this restriction to reclaim said parcel with all improvements thereon.

3. Public Safety Committee Report

Councilman Flynn gave the committee's report. INSERT

4. Purchasing Committee Report

a. Installation of Multi-User Restroom Facility and Concession Stand

Voted 4-0 to award this bid to Tower Construction Corp. in the amount of \$53,875.00 at the recommendation of the Finance Director, (JJ – KM).

b. Installation of Landscape Structures, Play Equipment at Albion Park

. Voted 4-0 to award this bid to Northeast Playground Builders, LLC in the amount of \$12,400.00 at the recommendation of the Finance Director, (JJ – KM).

5. Capital Improvement Committee Report

Councilor Flynn stated there should be a report for the Council in April.

6. Change Order – Lighting at Lincoln Middle School

Voted 4-0 to approve the change order as presented to EW Audet in the amount of \$4,200.00, (KM – JF).

7. Charter Section C17-18 Review of Charter: Discussion and/or action

The Council members and the Administrator discussed reviewing the Charter. Councilor Flynn suggested having the departments suggest changes and hold public hearings. The Administrator feels the Charter has become a complex document and needs legal research. The Solicitor reminded council members that charter changes need to be voted on at regular elections. He will ask other communities how they conduct their reviews.

8. Mount Ave/Cobble Hill Road discussion- status of bid process

The Town Administrator reports an RFP is being conducted for this work.

New Business

1. Resolution introduction for referral to Committee

a. Resolution 08-06: Amendment to Council Rules

Voted 4-0 to refer to the ordinance committee, (KM – JF).

c. Resolution 08-08: Support TIF Bill

Voted 4-0 to refer to the ordinance committee, (KM – JF).

d. Resolution 08-09: Support Coalition

Voted 4-0 to refer to the ordinance committee, (KM – JF).

2. Ordinance introduction for referral to Committee

a. Ordinance 08-04: Child Safety Zone

Voted 4-0 to refer to the ordinance committee, (JJ – JF)

6. Council Budget – Discussion and /or action

Council President O’Grady stated there was a budget board meeting tomorrow to vote on the final budget to send to the FTM.

7. Modification of April regular meeting date – discussion and/or action

Voted 4-0 to change the April regular meeting to April 22 with work session on April 21, 9KM – JJ). Councilor Flynn is concerned with changing dates. Will send packets out on April 15 and post notice on the Town’s web site.

8. Restricted Surplus Open Space – discussion and/or action

Solicitor DeSisto noted there is a conflict between Ordinance 06-09 and the Charter, making the ordinance null and void.

Communications

12. State Mandated Financial Reports

a. Town

Voted 4-0 to accept, (KM – JF). Council President O’Grady had questions on revenues.

13. Deputy Chief of Police, Brian W. Sullivan

Voted 4-0 to accept, (KM – JJ). Council members commended the Lincoln Police Department on their handling of this situation.

14. Barbara Ferioli, Clerk Saylesville Department

Voted 4-0 to accept, (KM – JJ). Council members are concerned and will schedule a show cause hearing if not paid by the one month deadline.

15. Judy Hadley, Chair Lincoln Land Trust

Voted 4-0 to accept, (KM – JF).

Adjourn 10:15 p.m.

Karen D. Allen

Town Clerk